

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CASE NO: 3:22-cv-456

ALEXANDER JOYNER,)	
)	
Plaintiff,)	
)	
vs.)	DEFENDANTS' MOTION TO EXTEND
)	TIME TO FILE A RESPONSE TO
FISERV, INC and FISERV)	PLAINTIFF'S COMPLAINT
SOLUTIONS, LLC,)	
)	
Defendants.)	

NOW COME Defendants Fiserv, Inc and Fiserv Solutions, LLC (“Fiserv” or “Defendants”), by and through their undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1 and move this Court for an Order extending the time allowed to move, serve an Answer, or otherwise respond to Plaintiff’s Complaint. In support of this motion, Defendants states as follows:

1. Plaintiff filed this action on September 1, 2022.
2. On November 7, 2022, Defendants were served with the Summons and a copy of the Complaint.
3. Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the deadline for Defendants to move, serve an Answer, or otherwise plead to Plaintiff’s Complaint is November 28, 2022. Thus, the time has not yet expired for Defendants to move, serve an Answer, or otherwise plead to the Complaint.
4. There is information which needs to be reviewed before the undersigned will be in a position to adequately prepare and serve responsive pleadings, and therefore, Defendants request

an additional three weeks (21 days) within which to move, serve an Answer, or otherwise plead to Plaintiff's Complaint, up to and including December 19, 2022.

5. This is a Motion for Extension of Time to respond to an initial pleading within the meaning of Local Rule 7.1(b)(3), and consultation is not required. However, in good faith, the undersigned counsel did consult with Counsel for Plaintiff who does not oppose this Motion.

6. Defendants file this Motion without waiving any defenses to the claims asserted by Plaintiff, whether substantive, procedural or otherwise, or conceding Plaintiff has alleged claims upon which relief can be granted. Defendants specifically reserve all of its defenses pursuant to Federal Rule of Civil Procedure 12(b)(4) and (5), as well as defenses under Federal Rules of Civil procedure 12(b)(1), (2), (3) and (6).

7. This Motion is filed in good faith for the reasons stated and not for purposes of delay.

WHEREFORE, Defendants respectfully request their Motion for an enlargement of time to move, serve an Answer or otherwise plead be granted, and Defendants be allowed up to and including December 19, 2022 to move, serve an Answer or otherwise respond to Plaintiff's Complaint.

Respectfully submitted this the 28th day of November 2022.

JACKSON LEWIS P.C.

BY: /s/ H. Bernard Tisdale III
H. Bernard Tisdale III
N.C. State Bar No. 23980
J. Melissa Woods
N.C. State Bar No. 21313
Jackson Lewis, P.C.
200 S. College St., Suite 1550
Charlotte, North Carolina 28202
Telephone: (980) 465-7245
Bernard.Tisdale@jacksonlewis.com
Melissa.Woods@jacksonlewis.com
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CASE NO: 3:22-cv-456

ALEXANDER JOYNER,)	
)	
)	
Plaintiff,)	
)	
vs.)	CERTIFICATE OF SERVICE
)	
FISERV, INC and FISERV)	
SOLUTIONS, LLC,)	
)	
Defendant.)	

The undersigned counsel certifies that on November 28, 2022, the foregoing ***Motion to Extend Time to File a Response to Plaintiff's Complaint*** was electronically filed with the Clerk of Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

L. Michelle Gessner
Gessner Law PLLC
602 E. Morehead St
Charlotte, NC 28202
Email: michelle@mgessenerlaw.com
Attorneys for Plaintiff

JACKSON LEWIS P.C.

BY: /s/ H. Bernard Tisdale III
H. Bernard Tisdale III
N.C. State Bar No. 23980
J. Melissa Woods
N.C. State Bar No. 21313
Jackson Lewis, P.C.
200 S. College St., Suite 1550
Charlotte, North Carolina 28202
Telephone: (980) 465-7245
Bernard.Tisdale@jacksonlewis.com
Melissa.Woods@jacksonlewis.com
Attorney for Defendants